

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 649

Introduced by Christensen, 44.

Read first time January 21, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-6,294
2 and 60-6,298, Revised Statutes Cumulative Supplement,
3 2008; to change provisions relating to special permits
4 for overweight vehicles; to harmonize professions; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,294, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-6,294 (1) Every vehicle, whether operated singly or in
4 a combination of vehicles, and every combination of vehicles
5 shall comply with subsections (2) and (3) of this section
6 except as provided in sections 60-6,294.01 and 60-6,297. The
7 limitations imposed by this section shall be supplemental to all
8 other provisions imposing limitations upon the size and weight of
9 vehicles.

10 (2) No wheel of a vehicle or trailer equipped with
11 pneumatic or solid rubber tires shall carry a gross load in excess
12 of ten thousand pounds on any highway nor shall any axle carry
13 a gross load in excess of twenty thousand pounds on any highway.
14 An axle load shall be defined as the total load transmitted to
15 the highway by all wheels the centers of which may be included
16 between two parallel transverse vertical planes forty inches apart
17 extending across the full width of the vehicle.

18 (3) No group of two or more consecutive axles shall carry
19 a load in pounds in excess of the value given in the following
20 table corresponding to the distance in feet between the extreme
21 axles of the group, measured longitudinally to the nearest foot,
22 except that the maximum load carried on any group of two or more
23 axles shall not exceed eighty thousand pounds on the National
24 System of Interstate and Defense Highways unless the Director-State
25 Engineer pursuant to section 60-6,295 authorizes a greater weight.

1	Distance in feet	Maximum load in pounds carried					
2	between the	on any group of two or more					
3	extremes of	consecutive axles					
4	any group of						
5	two or more						
6	consecutive	Two	Three	Four	Five	Six	Seven
7	axles	Axles	Axles	Axles	Axles	Axles	Axles
8	4	34,000					
9	5	34,000					
10	6	34,000					
11	7	34,000					
12	8	34,000	42,000				
13	9	39,000	42,500				
14	10	40,000	43,500				
15	11		44,000				
16	12		45,000	50,000			
17	13		45,500	50,500			
18	14		46,500	51,500			
19	15		47,000	52,000			
20	16		48,000	52,500	58,000		
21	17		48,500	53,500	58,500		
22	18		49,500	54,000	59,000		
23	19		50,000	54,500	60,000		
24	20		51,000	55,500	60,500		

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1	21	51,500	56,000	61,000		
2	22	52,500	56,500	61,500		
3	23	53,000	57,500	62,500		
4	24	54,000	58,000	63,000		
5	25	54,500	58,500	63,500	69,000	
6	26	55,500	59,500	64,000	69,500	
7	27	56,000	60,000	65,000	70,000	
8	28	57,000	60,500	65,500	71,000	
9	29	57,500	61,500	66,000	71,500	
10	30	58,500	62,000	66,500	72,000	
11	31	59,000	62,500	67,500	72,500	
12	32	60,000	63,500	68,000	73,000	
13	33		64,000	68,500	74,000	
14	34		64,500	69,000	74,500	
15	35		65,500	70,000	75,000	
16	36		66,000	70,500	75,500	
17	37		66,500	71,000	76,000	81,500
18	38		67,500	72,000	77,000	82,000
19	39		68,000	72,500	77,500	82,500
20	40		68,500	73,000	78,000	83,500
21	41		69,500	73,500	78,500	84,000
22	42		70,000	74,000	79,000	84,500
23	43		70,500	75,000	80,000	85,000
24	44		71,500	75,500	80,500	85,500
25	45		72,000	76,000	81,000	86,000

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1	46	72,500	76,500	81,500	87,000
2	47	73,500	77,500	82,000	87,500
3	48	74,000	78,000	83,000	88,000
4	49	74,500	78,500	83,500	88,500
5	50	75,500	79,000	84,000	89,000
6	51	76,000	80,000	84,500	89,500
7	52	76,500	80,500	85,000	90,500
8	53	77,500	81,000	86,000	91,000
9	54	78,000	81,500	86,500	91,500
10	55	78,500	82,500	87,000	92,000
11	56	79,500	83,000	87,500	92,500
12	57	80,000	83,500	88,000	93,000
13	58		84,000	89,000	94,000
14	59		85,000	89,500	94,500
15	60		85,500	90,000	95,000

16 (4) The distance between axles shall be measured to the
17 nearest foot. When a fraction is exactly one-half foot, the next
18 larger whole number shall be used, except that:

19 (a) Any group of three axles shall be restricted to a
20 maximum load of thirty-four thousand pounds unless the distance
21 between the extremes of the first and third axles is at least
22 ninety-six inches in fact; and

23 (b) The maximum gross load on any group of two axles,
24 the distance between the extremes of which is more than eight feet
1 but less than eight feet six inches, shall be thirty-eight thousand

2 pounds.

3 (5) The limitations of subsections (2) through (4) of
4 this section shall apply as stated to all main, rural, and
5 intercity highways but shall not be construed as inhibiting heavier
6 axle loads in metropolitan areas, except on the National System of
7 Interstate and Defense Highways, if such loads are not prohibited
8 by city ordinance.

9 (6) The weight limitations of wheel and axle loads as
10 defined in subsections (2) through (4) of this section shall be
11 restricted to the extent deemed necessary by the Department of
12 Roads for a reasonable period when road subgrades or pavements are
13 weak or are materially weakened by climatic conditions.

14 (7) Two consecutive sets of tandem axles may carry a
15 gross load of thirty-four thousand pounds each when the overall
16 distance between the first and last axles of such consecutive sets
17 of tandem axles is thirty-six, thirty-seven, or thirty-eight feet
18 except as provided in section 60-6,297. Such vehicles shall be
19 subject to section 60-6,301.

20 (8) If any vehicle crosses a bridge with a total gross
21 load in excess of the posted capacity of such bridge and as a
22 result of such crossing any damage results to the bridge, the owner
23 of such vehicle shall be responsible for all of such damage.

24 (9) Vehicles equipped with a greater number of axles than
25 provided in the tables in subsection (3) of this section shall be
1 legal if they do not exceed the maximum load upon any wheel or

2 axle, the maximum load upon any group of two or more consecutive
3 axles, and the total gross weight, or any of such weights as
4 provided in subsections (2) and (3) of this section.

5 (10) Subsections (1) through (9) of this section shall
6 not apply to a vehicle which has been issued a permit pursuant to
7 section 60-6,299, self-propelled specialized mobile equipment with
8 a fixed load when the requirements of subdivision (2)(i) of section
9 60-6,288 are met, or an emergency vehicle when the requirements of
10 subdivision ~~(1)(a)(v)~~ (1)(a)(vi) of section 60-6,298 are met.

11 (11) Any two consecutive axles the centers of which are
12 more than forty inches and not more than ninety-six inches apart,
13 measured to the nearest inch between any two adjacent axles in
14 the series, shall be defined as tandem axles, and the gross weight
15 transmitted to the road surface through such series shall not
16 exceed thirty-four thousand pounds. No axle of the series shall
17 exceed the maximum weight permitted under this section for a single
18 axle.

19 (12) Dummy axles shall be disregarded in determining the
20 lawful weight of a vehicle or vehicle combination for operation on
21 the highway. Dummy axle shall mean an axle attached to a vehicle
22 or vehicle combination in a manner so that it does not articulate
23 or substantially equalize the load and does not carry at least
24 the lesser of eight thousand pounds or eight percent of the gross
25 weight of the vehicle or vehicle combination.

1 (13) The maximum gross weight limit and the axle

2 weight limit for any vehicle or combination of vehicles equipped
3 with idle reduction technology may be increased by an amount
4 necessary to compensate for the additional weight of the idle
5 reduction technology as provided in 23 U.S.C. 127(a)(12), as
6 such section existed on July 18, 2008. The additional amount of
7 weight allowed by this subsection shall not exceed four hundred
8 pounds and shall not be construed to be in addition to the
9 five-percent-in-excess-of-maximum-load provision of subdivision (1)
10 of section 60-6,301.

11 Sec. 2. Section 60-6,298, Revised Statutes Cumulative
12 Supplement, 2008, is amended to read:

13 60-6,298 (1) (a) The Department of Roads or the Nebraska
14 State Patrol, with respect to highways under its jurisdiction
15 including the National System of Interstate and Defense Highways,
16 and local authorities, with respect to highways under their
17 jurisdiction, may in their discretion upon application and good
18 cause being shown therefor issue a special, continuing, or
19 continuous permit in writing authorizing the applicant or his
20 or her designee:

21 (i) To operate or move a vehicle, a combination of
22 vehicles, or objects of a size or weight of vehicle or load
23 exceeding the maximum specified by law when such permit is
24 necessary:

25 (A) To further the national defense or the general
1 welfare;

2 (B) To permit movement of cost-saving equipment to be
3 used in highway or other public construction or in agricultural
4 land treatment; or

5 (C) Because of an emergency, an unusual circumstance, or
6 a very special situation;

7 (ii) To operate vehicles, for a distance up to one
8 hundred twenty miles, loaded up to fifteen percent greater than the
9 maximum weight specified by law, up to ten percent greater than the
10 maximum length specified by law, except that for a truck-tractor
11 semitrailer trailer combination utilized to transport sugar beets
12 which may be up to twenty-five percent greater than the maximum
13 length specified by law, or both, when carrying grain or other
14 seasonally harvested products from the field where such grain or
15 products are harvested to storage, market, or stockpile in the
16 field or from stockpile to market or factory when failure to
17 move such grain or products in abundant quantities would cause an
18 economic loss to the person or persons whose grain or products are
19 being transported or when failure to move such grain or products
20 in as large quantities as possible would not be in the best
21 interests of the national defense or general welfare. The distance
22 limitation may be waived for vehicles when carrying dry beans from
23 the field where harvested to storage or market when dry beans
24 are not normally stored, purchased, or used within the permittee's
25 local area and must be transported more than one hundred twenty
1 miles to an available marketing or storage destination. No permit

2 shall authorize a weight greater than twenty thousand pounds on any
3 single axle;

4 (iii) To operate vehicles, for a distance up to sixty
5 miles from the state line, when such vehicles are destined for a
6 border state, loaded to such border state's maximum weight or up to
7 ten percent greater than the maximum weight specified by Nebraska
8 law, whichever is less, when carrying grain or other products from
9 storage or stockpile to market or factory when failure to move such
10 grain or products in abundant quantities would cause an economic
11 loss to the person or persons whose grain or products are being
12 transported or when failure to move such grain or products in as
13 large quantities as possible would not be in the best interests of
14 the national defense or general welfare. No permit shall authorize
15 a weight greater than twenty thousand pounds on any single axle;

16 ~~(iii)~~ (iv) To transport an implement of husbandry which
17 does not exceed twelve and one-half feet in width during daylight
18 hours, except that the permit shall not allow transport on
19 holidays;

20 ~~(iv)~~ (v) To operate one or more recreational vehicles, as
21 defined in section 71-4603, exceeding the maximum width specified
22 by law if movement of the recreational vehicles is prior to retail
23 sale and the recreational vehicles comply with subdivision (2)(k)
24 of section 60-6,288; or

25 ~~(v)~~ (vi) To operate an emergency vehicle for purposes of
1 sale, demonstration, exhibit, or delivery, if the applicant or his

2 or her designee is a manufacturer or sales agent of the emergency
3 vehicle. No permit shall be issued for an emergency vehicle which
4 weighs over sixty thousand pounds on a tandem axle.

5 (b) No permit shall be issued under subdivision (a)(i)
6 of this subsection for a vehicle carrying a load unless such
7 vehicle is loaded with an object which exceeds the size or weight
8 limitations, which cannot be dismantled or reduced in size or
9 weight without great difficulty, and which of necessity must be
10 moved over the highways to reach its intended destination. No
11 permit shall be required for the temporary movement on highways
12 other than dustless-surfaced state highways and for necessary
13 access to points on such highways during daylight hours of
14 cost-saving equipment to be used in highway or other public
15 construction or in agricultural land treatment when such temporary
16 movement is necessary and for a reasonable distance.

17 (2) The application for any such permit shall
18 specifically describe the vehicle, the load to be operated or
19 moved, whenever possible the particular highways for which permit
20 to operate is requested, and whether such permit is requested for a
21 single trip or for continuous or continuing operation.

22 (3) The department or local authority is authorized to
23 issue or withhold such permit at its discretion or, if such permit
24 is issued, to limit the number of days during which the permit
25 is valid, to limit the number of trips, to establish seasonal or
1 other time limitations within which the vehicles described may be

2 operated on the highways indicated, or to issue a continuous or
3 continuing permit for use on all highways, including the National
4 System of Interstate and Defense Highways. The permits are subject
5 to reasonable conditions as to periodic renewal of such permit
6 and as to operation or movement of such vehicles. The department
7 or local authority may otherwise limit or prescribe conditions
8 of operation of such vehicle or vehicles, when necessary to
9 assure against undue damage to the road foundations, surfaces, or
10 structures or undue danger to the public safety. The department or
11 local authority may require such undertaking or other security as
12 may be deemed necessary to compensate for any injury to any roadway
13 or road structure.

14 (4) Every such permit shall be carried in the vehicle
15 to which it refers and shall be open to inspection by any peace
16 officer, carrier enforcement officer, or authorized agent of any
17 authority granting such permit. Each such permit shall state the
18 maximum weight permissible on a single axle or combination of axles
19 and the total gross weight allowed. No person shall violate any
20 of the terms or conditions of such special permit. In case of any
21 violation, the permit shall be deemed automatically revoked and the
22 penalty of the original limitations shall be applied unless:

23 (a) The violation consists solely of exceeding the size
24 or weight specified by the permit, in which case only the penalty
25 of the original size or weight limitation exceeded shall be
1 applied; or

2 (b) The total gross load is within the maximum authorized
3 by the permit, no axle is more than ten percent in excess of the
4 maximum load for such axle or group of axles authorized by the
5 permit, and such load can be shifted to meet the weight limitations
6 of wheel and axle loads authorized by such permit. Such shift may
7 be made without penalty if it is made at the state or commercial
8 scale designated in the permit. The vehicle may travel from its
9 point of origin to such designated scale without penalty, and a
10 scale ticket from such scale, showing the vehicle to be properly
11 loaded and within the gross and axle weights authorized by the
12 permit, shall be reasonable evidence of compliance with the terms
13 of the permit.

14 (5) The department or local authority issuing a permit
15 as provided in this section may adopt and promulgate rules and
16 regulations with respect to the issuance of permits provided for in
17 this section.

18 (6) The department shall make available applications
19 for permits authorized pursuant to subdivisions (1)(a)(ii) and
20 (1)(a)(iii) of this section in the office of each county treasurer.
21 The department may make available applications for all other
22 permits authorized by this section to the office of the county
23 treasurer and may make available applications for all permits
24 authorized by this section to any other location chosen by the
25 department.

1 (7) The department or local authority issuing a permit

2 may require a permit fee of not to exceed twenty-five dollars,
3 except that:

4 (a) The fee for a continuous or continuing permit may not
5 exceed twenty-five dollars for a ninety-day period, fifty dollars
6 for a one-hundred-eighty-day period, or one hundred dollars for a
7 one-year period; and

8 (b) The fee for permits issued pursuant to subdivision
9 (1)(a)(ii) of this section shall be twenty-five dollars for a
10 thirty-day permit and fifty dollars for a sixty-day permit. Permits
11 issued pursuant to such subdivision shall be valid for thirty days
12 or sixty days and shall be renewable for a total number of days not
13 to exceed one hundred and twenty days per year.

14 A vehicle or combination of vehicles for which an
15 application for a permit is requested pursuant to this section
16 shall be registered under section 60-3,147 or 60-3,198 for the
17 maximum gross vehicle weight that is permitted pursuant to section
18 60-6,294 before a permit shall be issued.

19 Sec. 3. Original sections 60-6,294 and 60-6,298, Revised
20 Statutes Cumulative Supplement, 2008, are repealed.